

# SENATE BILL 337

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CF HB 412

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By: **Senator Kagan**

Introduced and read first time: January 16, 2025

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Local Boards of Elections and Boards of Canvassers – Open Meeting**  
3 **Requirements**  
4 **(Local Boards of Elections Transparency Act)**

5 FOR the purpose of establishing enhanced open meeting requirements for each local board  
6 of elections and each local board of canvassers; and generally relating to open  
7 meeting requirements for local boards of elections and boards of canvassers.

8 BY adding to

9 Article – Election Law

10 Section 2–208

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Election Law

15 Section 11–301, 11–302(a), and 11–303(a)

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2024 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 **2–208.**

22 **(A) EACH LOCAL BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS**  
23 **WEBSITE EACH OPEN MEETING AGENDA, TOGETHER WITH A SUMMARY OF ANY**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 FINALIZED DOCUMENTS, WRITTEN TESTIMONY FROM THE PUBLIC, AND OTHER  
2 MATERIALS THAT THE LOCAL BOARD WILL VOTE ON AT THE OPEN MEETING:

3 (1) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

4 (2) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A  
5 NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN  
6 ADVANCE OF THE MEETING AS PRACTICABLE.

7 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
8 EACH LOCAL BOARD SHALL PROVIDE LIVE VIDEO STREAMING OF EACH OPEN  
9 MEETING HELD BY THE LOCAL BOARD.

10 (2) THE LIVE STREAMING VIDEO REQUIREMENT UNDER PARAGRAPH  
11 (1) OF THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO:

12 (I) AN OPEN MEETING HELD OFF-SITE;

13 (II) A PROJECT SITE VISIT; OR

14 (III) AN INSPECTION CONDUCTED BY THE LOCAL BOARD.

15 (C) EACH LOCAL BOARD SHALL MAINTAIN A COMPLETE AND UNEDITED  
16 ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO  
17 STREAMING WAS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION FOR A  
18 MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.

19 11-301.

20 (a) A board of canvassers shall:

21 (1) convene at the designated counting center for that county on or before  
22 the day of the election, but not later than 5 p.m. on that day, and be sworn in; and

23 (2) meet only in public session.

24 (B) A BOARD OF CANVASSERS AND THE STAFF OF A LOCAL BOARD SHALL:

25 (1) PROVIDE LIVE VIDEO STREAMING OF THE CANVASS; AND

26 (2) MAINTAIN A COMPLETE AND UNEDITED ARCHIVED VIDEO  
27 RECORDING OF THE CANVASS FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE  
28 COMPLETION OF THE CANVASS.

1            ~~[(a-1)]~~ **(C)** (1) Subject to paragraph (3) of this subsection, a board of canvassers  
2 and the staff of a local board may be observed **IN PERSON** as they complete each part of  
3 the canvass by authorized observers designated under paragraph (2) of this subsection and  
4 any other individuals who wish to be present.

5            (2) The following individuals or entities have the right to designate a  
6 registered voter as an observer at each counting center:

7                    (i) a candidate;

8                    (ii) a political party; and

9                    (iii) any other group of voters supporting or opposing a candidate,  
10 principle, or proposition on the ballot.

11            (3) The State Board may adopt regulations prohibiting **IN-PERSON** public  
12 observation of a part of the canvass only if prohibiting **IN-PERSON** public observation is  
13 necessary to ensure:

14                    (i) the integrity or accuracy of the canvass; or

15                    (ii) that the canvass process is not impeded.

16            (4) The State Board shall ensure that the requirements of this subsection  
17 are implemented uniformly and consistently by each local board.

18            ~~[(b)]~~ **(D)** Each board of canvassers shall elect by majority vote a chairman and  
19 secretary from among its members.

20            ~~[(c)]~~ **(E)** Each member of the board of canvassers shall take an oath,  
21 administered and recorded by the clerk of the circuit court, to canvass and declare the votes  
22 cast truthfully and to perform other duties required by law.

23            ~~[(d)]~~ **(F)** (1) At the first meeting of the board of canvassers for the purpose of  
24 canvassing, a majority of the whole board of canvassers shall be a quorum.

25                    (2) If a quorum is not present, the members present shall adjourn until the  
26 next day.

27            ~~[(e)]~~ **(G)** Except as otherwise provided in this article, all decisions shall be  
28 reached by a majority vote of the members present.

29            ~~[(f)]~~ **(H)** In Montgomery County and Prince George's County, if a member is not  
30 present at the scheduled time for vote canvassing, a substitute member of the board of  
31 canvassers may be sworn in.

1            **[(g)] (I)**        At least one member of the board of canvassers present shall be a  
2 registered voter of the principal minority party.

3            **[(h)] (J)**        Once the board has satisfied the requirements of subsections (a)  
4 through **[(g)] (I)** of this section, it may proceed with the canvass in accordance with the  
5 regulations of the State Board.

6 11-302.

7            (a)    (1)    Each local board shall:

8                            **(I)**        meet at its designated counting center to canvass the absentee  
9 ballots cast in that election in accordance with the regulations and guidelines established  
10 by the State Board; **AND**

11                            **(II)    COMPLY WITH THE LIVE VIDEO STREAMING AND ARCHIVAL**  
12 **REQUIREMENTS OF § 11-301(B) OF THIS SUBTITLE.**

13                            (2)        Promptly after receipt of an absentee ballot, a local board shall review  
14 the ballot envelope or ballot/return envelope for the omission of the voter's signature on the  
15 oath.

16                            (3)        A local board shall record the receipt of an absentee ballot in the  
17 statewide voter registration system and make the information available through the free  
18 access system established under COMAR 33.11.06.03 as soon as practicable, but not later  
19 than:

20                            (i)        2 business days after receipt of an absentee ballot provided by  
21 mail; or

22                            (ii)       4 business days after receipt of an absentee ballot provided  
23 through the Internet or by facsimile transmission.

24 11-303.

25            (a)    Following an election, each local board shall:

26                            **(1)**        meet at its designated counting center to canvass the provisional ballots  
27 cast in that election in accordance with the regulations and guidelines established by the  
28 State Board; **AND**

29                            **(2)    COMPLY WITH THE LIVE VIDEO STREAMING AND ARCHIVAL**  
30 **REQUIREMENTS OF § 11-301(B) OF THIS SUBTITLE.**

31            SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,  
32 2025, the State Board of Elections shall adopt regulations to ensure that the live streaming

1 requirements under §§ 2–208 and 11–301 of the Election Law Article, as enacted by Section  
2 1 of this Act, are implemented in a manner that:

3           (1) maximizes transparency of open meetings of local boards and the  
4 canvassing of ballots; and

5           (2) as applicable, protects the anonymity of voters.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
7 1, 2025.